

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, Applicants would like to thank the Examiner for the indication that claims 24-26 are allowable.

Claims 1-5 and 27-29 have been canceled, as they have been withdrawn from consideration. Applicants reserve their right to file one or more divisional applications based on such non-elected claims.

In the Official Action, the Examiner objects to claim 20 because the recitation of "each one of the one or more panels" lacks antecedent basis. In response, claim 20 has been amended to recite --each one of the two or more panels--. Consequently, claim 21 has been canceled as being duplicative of amended claim 20. Accordingly, it is respectfully requested that the objection to claim 20 be withdrawn.

In the Official Action, the Examiner objects to claim 23 because "providingat" should be --providing at--. In response, claim 23 has been amended as suggested by the Examiner. Accordingly, it is respectfully requested that the objection to claim 23 be withdrawn.

In the Official Action, the Examiner rejects claims 16-18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,917,283 to Sumners (hereinafter "Sumners"). Furthermore, the Examiner rejects claims 16 and 19-21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,893,119 to Nasatka (hereinafter "Nasatka"). Lastly, the Examiner rejects claims 16, 22, and 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,419,537 to Thompson (hereinafter "Thompson").

In response, independent claim 16 has been amended to clarify its distinguishing features. The remaining dependent claims have been amended, where appropriate, to be consistent with amended claim 16. Specifically, independent claim 16 has been amended to clarify that the vehicle moves along a surface in a direction and the method comprises; providing two or more panels capable of extending above the surface, where the two or more panels are disposed in series along the direction and each of the two or more panels being independently deployable from the surface; and deploying at least one of the two or more panels from the surface into a position extended from the surface. The amendment to claim 16 and the dependent claims are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the amendment to such claims.

With regard to Sumners and Nasatka, the same do not teach or disclose two or more panels disposed in series along the direction of the vehicle travel. With regard to Thompson, the same does not teach or suggest two or more panels that are independently deployable from the surface.

With regard to the rejection of claims 16-23 under 35 U.S.C. § 102(b), a method for at least slowing a vehicle moving along a surface having the features described above and as recited in independent claim 16, is nowhere disclosed in either Sumners, Nasatka, or Thompson. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”¹ independent claim 16 is not anticipated by Sumners, Nasatka, or Thompson. Accordingly, independent claim 16 patentably distinguishes over each of Sumners, Nasatka, or Thompson and is allowable. Claims 17-23 being dependent upon claim


¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

16 are at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 16-23 under 35 U.S.C. § 102(b).

Lastly, new claims 30-32 have been added to further define the patentable invention. New Claims 30-32 are fully supported in the original disclosure. Therefore, no new matter has been entered into the disclosure by way of the addition of new claims 30-32.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,


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